

September 25, 2006

I. Call to Order/Roll Call/Opening Ceremonies

Chairman Alex Vispoli opened the Work Session of the Board of Selectmen on Monday, September 25, 2006 in the Selectmen's Conference Room in the Town Offices at 6:02 p.m. Roll call was taken. Selectmen Lyman, Teichert, Major and Chairman Vispoli were present. Selectman Hess joined the meeting shortly thereafter. Recording Secretary Elizabeth A. Kochakian took these minutes. This meeting was duly posted.

II. Work Session - 6:00 p.m.

The Board reviewed the Town Manager and Board of Selectmen's Performance Evaluation Rating Form for FY06. Selectman Major had summarized the comments and ratings he received from the Board members. The Board made additional corrections/additions to the form. Selectman Major made note of the changes to be incorporated into the final draft of the form to be used for the Manager's performance review.

Selectman Major said he will send the Selectmen the final copy for their approval and if they had any further changes they were asked to bring them to the next meeting.

III. Opening Ceremonies

The regular meeting of the Board of Selectmen was opened at 7:15 p.m. Roll call was taken and all Selectmen were present. Also present was Town Manager Buzz Stapczynski and Town Clerk Randall Hanson. Opening ceremonies were conducted with a Moment of Silence and the Pledge of Allegiance to the flag. During the Moment of Silence, the Selectmen remembered Edward "Ted" Cole of River Road who was very much involved with the planning and initiation of the World War II Memorial that was placed in the Park. This meeting was duly posted and cablecast live.

IV. Communications/Announcements/Liaison Reports

Town Manager Stapczynski:

- The Manager reported that the Finance Committee met last weekend and sent a memo saying that they have approved the basic draft for an Audit Committee. He said the next step is to get the committee together and put the wheels in motion. He will be doing that the next week or two. The Manager said they could discuss the makeup of that committee at the October 10th meeting or meeting after that.
- Next week they will be welcoming friends coming from Andover, England. A reception will be held in their honor upon their arrival at another location then the Town Offices.
- Ms. Hanson reported that they had a 26% turnout for the primary election, which was up 21% from two years ago. She said it was a long day and night and her workers and staff did a tremendous job and it went very well. They are now working on the November 7th election. She said the last day to register to vote is October 18. She appreciated all the support the Town and School Department always gives them and there will be no school on the 7th, which is a big help to them. Selectman Lyman commented that everything flowed very well at the Sr. Center and standing outside the High School she felt that went very well also. The Manager thanked Town Clerk Randy Hanson and her staff for all the work they did on the primary.
- The Senior Center folks wanted to come this evening to announce their fundraiser, a Senior Flood Relief event on Saturday, October 28 at 7:00 p.m. in the Old Town Hall. The seniors formed this committee because there are approximately 40 seniors from Washington Park that are not yet back in their apartments/condominiums as of this date because of the Mother's Day flood on May 15. The proceeds of the event are going to help them get back into their residents.

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IV. Communications/Announcements/Liaison Reports (Cont.)

Town Manager Stapczynski (Cont.):

- The Manager said the devastation at Washington Park is still being dealt with on an individual basis. In some cases the repairs will be up to \$50,000 to get the folks back into their units. Selectman Lyman said the seniors wanted to be here this evening to ask the Selectmen to help with that event. She had told them she felt they would be glad to help if they were available.
- The next meeting of the Board will be held on Tuesday, October 10 at the Public Safety Center. A busy night is being scheduled already.

Selectman Mary Lyman:

- Selectman Lyman said she met with Frank O'Connor, the person from the Andover Housing Authority, and they have received eight applications for the open seat on that Committee. They did a paper screening at this time and can see three to four strong candidates. The Board had no objection to Selectman Lyman and Mr. O'Connor choosing three or four candidates to be interviewed, fifteen minutes apiece, at the Selectmen's meeting on the 10th and to ask the Andover Housing Authority to be present if they can make it. Selectman Lyman said she would like to recommend some of the candidates for other openings if they have the time.

Selectman John Hess:

- Selectman Hess announced that another event sponsored by the Senior Center would be held on October 15 at 2:00 p.m. at the Old Town Hall. It is called "Our Immigrant Heritage Remembrances and Reflections," a video of eight remarkable citizens who came to the Merrimack Valley as immigrants and their stories.

Selectman Brian Major:

- Selectman Major said the meetings they had scheduled for this week on the Cormier Youth Center have been postponed to wait for the plot plans and traffic analysis to be completed, which should be in the near future. He said they will be extremely helpful in being able to explain the project and will be rescheduling those meetings in the near future when they will be available.

Selectman Alex Vispoli:

- Commended Andover Days. He said they did a great job and the whole day was just phenomenal. He felt they should do it again.
- The Chamber of Commerce Meeting will be held October 5 at the Andover Inn.
- He met with the Police and Fire Chiefs this past week as their liaisons to get a sense what the budget season is going to look like moving forward.

V. Approval of Consent Agenda Items

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A. Appointments and Re-appointments

It was moved by Selectman Major that the Board approve the following appointments by the Town Manager:

DEPARTMENT	POSITION	RATE	EFF. DATE
POLICE DEPARTMENT			
Chad Cooper	Patrolman (v. D. Batchelder)	P500-4-1	9/11/06
Mary Wesson	Supervisory Liaison - PT New Horizons Program	\$26.99/hr.	9/11/06
Dennis Deschamp	Car Washer/Maintenance-Temp. (v. D. Robichaud)	\$11.50/hr.	9/12/06
DEPARTMENT OF PUBLIC WORKS - Water/Sewer Division			
Dianne Anciello	Office Assistant III IE (v. M. Buck)	14-4-1	9/25/06
MEMORIAL HALL LIBRARY			
Jonathan Rosenberg	Library Page - PT (v. A. Kroll)	\$7.25/hr.	9/18/06
Kathleen McDonald	Library Assistant (v. V. Murphy)	IE-12-1	9/26/06
COMMUNITY SERVICES DIVISION			
Vivian McNeeley	Enrichment Instructor-PT	***	9/27/06

*** Varies with course

The motion was seconded by Selectman Lyman, voted and approved 5-0.

It was moved by Selectman Hess that the Board approve the following re-appointment by the Town Manager:

CONSTABLE

Ronald E. Bertheim - Civil process only - Term expires 10/1/09

The motion was seconded by Selectman Lyman, voted and approved 5-0.

V. Approval of Consent Agenda Items (Cont.)

September 25, 2006 (Cont.)

B. Block Party

It was moved by Selectman Lyman that the Board grant permission to Rich Devaney, 11 Rose Glen Drive, to block off his street in front of #10 and #11 on Saturday, September 30, 2006 (rain date Sunday, October 1, 2006) at 1:00 P.M. for a neighborhood block party till dusk. Arrangements have been reviewed and approved with conditions by the Police Department. The motion was seconded by Selectman Teichert, voted and approved 5-0.

C. Charitable Wine Pouring License

It was moved by Selectman Teichert that the Board approve the request of Nancy Kieran, Development Director, YWCA of Greater Lawrence, 38 Lawrence Street, Lawrence, for a Charitable Wine Pouring license for use on Friday, October 13, 2006 from 5:00 P.M. to 11:00 P.M. at the Andover Country Club. The application has been reviewed and approved by the Town Clerk subject to the condition that all other requirements of the Town are met prior to the issuance of the license. The motion was seconded by Selectman Hess, voted and approved 5-0.

D. One-Day Beer & Wine Licenses

1. **John Kalinowski, 6 Avon Street, Andover**

It was moved by Selectman Hess that the Board approve the request of John Kalinowski, 6 Avon Street, Andover for a one-day beer & wine license for use on Saturday, October 7, 2006 from 7:00 P.M. to 11:30 P.M. for a party at the Andover Town House. The application has been reviewed and approved by the Town Clerk subject to the condition that all other requirements of the Town are met prior to the issuance of the licenses.

The motion was seconded by Selectman Major, voted and approved 5-0.

2. **Amy Finegold of Dresscode, Two Elm Square, Andover**

It was moved by Selectman Hess that the Board approve the request of Amy Finegold of Dresscode for a one-day beer & wine license for use on Thursday, September 28, 2006 from 6:00 P.M. to 9:00 P.M. for a 2nd Anniversary Celebration at her place of business. This application has been reviewed and approved by the Town Clerk subject to the condition that all other requirements of the Town are met prior to the issuance of the licenses.

The motion was seconded by Selectman Major, voted and approved 5-0.

E. Road Race

Selectman Major recused himself from this vote.

It was moved by Selectman Lyman that the Board grant permission to Veryl D. Anderson, R.N., Executive Director of the Professional Center for Child Development, to conduct their annual "Trot for Special Tots" Road Race through the streets of Andover on Sunday, October 22, 2006 beginning and ending at the Center. Arrangements have been reviewed and approved with conditions by the Police Department.

V. Approval of Consent Agenda Items (Cont.)

E. Road Race (Cont.)

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The motion was seconded by Selectman Teichert, voted and approved 4-0-1.

VI. Citizens Petitions and Presentations

A. Chris Young Re: Update - Community Paths Committee and Andover Trails Committee

Chris Young, 60 Whittier Street, representing the Andover Community Paths Committee, appeared before the Board to give an update in place of Margaret Pustell who could not be present. She said the Committee was founded by Margaret Pustell as an offshoot of a committee from the League of Women Voters. She was here in place of Ms. Pustell for two reasons. The first, to update the Board about the foot bridge they hope to build over the Shawsheen right next to Washington Park connecting North Main Street to Burnham Road and the playgrounds. Second, to invite everyone to attend an informational meeting on October 10 at the Memorial Hall Library about this and to introduce the Town to all the great paths they have and the committees that maintain the paths. They want to get public support for this bridge, a project they have been working on for five years.

Ms. Young said that Tony Komornick from the Merrimack Valley Planning Commission would help to work with them to get state money from the Mass. Highway Department. Their engineer Bob Marsh has been giving his time for two years pro bono to work on this. He has the engineering plans ready at 25% completion. As part of that, she said they have to show public support and that the Selectmen are behind them. Ms. Young said the cost to build the bridge will be \$150,000 and they might have to come to the Town next year to pay for other things that are happening. She said that Ms. Pustell envisions Boy Scouts and kids coming from High School walking all the way over to Shawsheen Village by Burnham Road by way of a 6' wide, 60' long pedestrian bridge.

In answer to Selectman Major, Mr. Marsh said the bridge has been designed to withstand flooding. He said they tried to meet all the disability requirements and they are in compliance with all the design standards for the disability. It is designed to fit two wheelchairs side by side. Selectman Hess said the Selectmen do have a meeting on October 10 and will not be able to attend but encouraged residents to go. He suggested it be published on the Town's web site. Ms. Young said their message is to encourage people to walk more.

B. Theo Shapiro, 93 Haverhill Street

Theo Shapiro, 93 Haverhill Street, told the Selectmen she wanted to write a proposal to the Mass. Cultural Council for a grant to build a peace wall in The Park but wanted to do that with the Board's approval. She said the wall is based on the Shinto board, which is a board that people come to and on wooden blocks they write their hopes prayers. She would like to have a couple of events when people can come and write their comments and hang them up. They would stay out in the elements and would be kept out for six months to a year. Since many people do not know what a Shinto looks like she had pictures of the structure. She said they are usually outside shrines but said it was not religious the way they understand religion.

VI. Citizens Petitions and Presentations (Cont.):

B. Theo Shapiro, 93 Haverhill Street (Cont.)

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Chairman Vispoli said they are starting to implement a process on the use of public space for such requests and that a group is going to be brought together so they have a discussion on that. The group collectively will come to a solution and then come back to the Board with a recommend approach. Selectman Hess felt this was a worthwhile idea but that it should go through the process. Ms. Shapiro was encouraged to pursue the grant but leave out the location. She was asked to come back to the Selectmen when she received the grant.

C. Mary Carbone

Mary Carbone appeared before the Board and expressed her concern about the crossing guard issue at St. Augustine's School. She asked the status of the subcommittee meeting that the Selectmen were going to plan. Chairman Vispoli said they would be facilitating a discussion at a meeting being scheduled on Wednesday at 7:30 p.m. in this room between the School Committee, Board of Selectmen, Public Safety and St. Augustine's School. They are gathering background information in advance of the meeting to see if there can be a resolution to this one way or another.

Ms. Carbone said it was her personal opinion this should be a grandfather issue. She felt it is an issue that should hold its ground right now and continue based on the fact that of the historical the way it has been in the budget.

VII. Public Hearings

A. Package Store Wine and Malt License

A public hearing was held to hear the request of Park Avenue Pantry, Inc., d/b/a Mawby's, 7 Lady Slipper Lane, Chelmsford, MA, for a Package Store Wine and Malt license for Mawby's, 7 Barnard Street, Andover. Christopher T. Perry, Chelmsford, MA, is the designated Manager. The application has been reviewed and approved by the Town Clerk subject to the condition that all other requirements of the Town are met prior to the issuance of the license.

Atty. Howard Perkins, representing Christopher T. Perry, appeared before the Board. Mr. Perry was also present and introduced himself to the Selectmen. Atty. Howard said the intention is that Mr. Perry will be running a store similar to the old Butler's Pantry at the last location of the Blue Cow. As part of this operation, the abutting site is being built out and a new kitchen built into the now resulting space. Mr. Perry will do a take out business and have a bakery with bread rolls, muffins, cold cut counter from around the world, cheese counter from around the world, and retail items. He handed out a sheet with samples of the retail items he will be carrying.

Atty. Perkins said they appeared before the Zoning Board on August 3 and were approved for the take out aspect of the business. The retail aspect is by right under the zoning bylaws of the general business district. Basically, in the inception Mr. Perry intends to sell higher priced wine to go with his cheese and meat selections and will not be selling beer. The license is also needed for catering functions and events.

VII. Public Hearings (Cont.)

A. Package Store Wine and Malt License (Cont.)

Atty. Perkins said that all abutters were notified and they hope to open

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the business in November.

In a discussion, Town Clerk Hanson said it was the Board's decision where licenses may be issued, why, and rational used. It was noted that there was a package store right at the corner of this business. In answer to Selectman Hess, Atty. Perkins said Mr. Perry would be taking a TIP's training course before he opens. There will also be at least one more employee taking the course. He said minors would be coming in the store but they will enforce the liquor laws strictly. Selectman Hess urged all of Mr. Perry's employees to take the training and asked if he would give them a copy of the training certificate when completed. Mr. Perry said he would be happy to do that. Mr. Perry explained that the wine he will be selling would be very limited and very expensive. To do the little selling he wants to do he is required to go for a license. He would also like to be able to serve wine and champagne at his tasting events, which he plans to constantly have.

Brian McGann, whose family owns and operates Driscoll's Package Store which is 100 yards down the street from this business, told the Board about the following reservations he had on this request. He said he was not sure there was a public need for this type of license to be issued to this type of business. For years, he said the Butler's Pantry operated in that location without wine and liquor. He did not think that this was the intention of these licenses. Retailing wine is an incidental part of his business. In November, he said there would be a ballot question requiring a vote on wine being sold in grocery stores. He felt that will be a serious concern for Andover because in every state where there is a profligation of businesses and establishments that sell liquor and wine the sales with incidents for minors rises. Mr. Perkins will have the type of shop where teens are going to be able to freely wander in his store. He told the Selectmen that just because licenses are available doesn't mean they have to issue them.

After all discussion, it was moved by Selectman Major and seconded by Selectman Hess that the Board approve the above request. The motion was voted and approved 5-0.

B. Continued Hearing - National Grid and Verizon New England, Inc.

A public hearing was called to continue the hearing of National Grid and Verizon New England, Inc. for permission to locate poles, wires and fixtures, including the necessary sustaining and protecting fixtures, along and across the following public way:

- Lowell Junction Road at #3 - approximate location shown on Plan No. 967536 dated 8/8/06.

The request has been reviewed and approved by the Department of Public Works with the condition that a street opening permit must be obtained from the Department of Public Works prior to any construction.

VII. Public Hearings (Cont.)

B. Continued Hearing - National Grid and Verizon New England, Inc.
(Cont.)

Jason Ouellette from National Grid appeared before the Board to give an

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update on what has been done as a result of tabling this petition. The three items that were issues have been resolved as follows:

1. Payment for details. The Police Chief confirmed the bills were paid today.

2. The double poles on River Street will be removed. National Grid is off of those poles and he has confirmation from Verizon that they do have a plan in place to remove the poles by December 15. Patricia Harty, Regional Director of Public Affairs at Verizon, reported that she has been working with Brian Moore, Town Engineer, on this and will be following up on this project. The Board had a letter from Ms. Harty confirming that.

3. They have met with the resident at 3 Lowell Junction Road in an attempt to resolve the issue with his lawn being repaired. They have come to a resolution with him. He said the lawn would not be repaired until they actually do the work and relocate the pole. When asked, Mr. Ouellette said they have a verbal agreement in place with the resident. Chairman Vispoli said he would like to see this put in writing and a copy given to the Selectmen.

After all discussion, it was moved by Selectman Major, seconded by Selectman Lyman, and voted 5-0 to approve the above request.

C. National Grid

A public hearing was called to hear the request of National Grid for permission to construct a line of underground conduits, including the necessary sustaining and protecting fixtures, under and across the following public way:

- Moreland Avenue between #6 and #8 - approximate location shown on Plan No. 1111625 dated 8/23/06

The request has been reviewed and approved by the Department of Public Works with the condition that a street opening permit must be obtained from the Department of Public Works prior to any construction.

Mr. Ouellette said a resident at 8 Moreland Drive wanted the overhead wires in front of her home placed underground and agreed to pay to do that. Mr. Ouellette said it will happen pretty soon and will be done in the soft shoulder.

After all discussion, it was moved by Selectman Major, seconded by Selectman Lyman and voted 5-0 to approve the above request.

D. Bay State Gas Company

A public hearing was called to hear the request of Bay State Gas Company for permission to excavate approximately 250 feet in Barnard Street to replace the existing 2" bare steel gas main with a 4" HDPE main and to excavate approximately 40 feet on Main Street to tie-into the main - approximate location shown on Plan Drawing No. 02102006-D dated 2/10/06.

VII. Public Hearings (Cont.)

D. Bay State Gas Company (Cont.)

The request has been reviewed and approved by the Department of Public Works with the condition that a street opening permit must be obtained from the Department of Public Works prior to any construction.

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Gary Kilorski, Inspector for Bay State Company, appeared before the Board. He said this work is being done for the safety of the public. The town is doing some work in that area as part of the Main Street project and they want to get in at that time and replace it.

After all discussion, it was moved by Selectman Major, seconded by Selectman Hess and voted 5-0 to approve the above request.

E. Application from Verizon New England, Inc. for Cable Television License

Chairman Vispoli opened the public hearing to hear the request of Verizon New England for their application for a cable television license with the Town of Andover. He said this license application has been a discussion for a better part of year between Verizon and the Town's Cable Advisory Committee. Tonight, there will be a presentation from Verizon, after which questions from the Board and folks in attendance and then to hear the recommendation the from Town's Cable Committee.

Present from Verizon were: Jim McGrail, Southern Communications Inside Group/Outside Counsel to Verizon on the franchise negotiations. He introduced Peter T. Bowman, Vice President of External Affairs for Verizon; Patricia Harty, Regional Director of External Affairs, and Geramy Shoffer, Outside Counsel for Verizon.

Jack Dempsey, Chairman of the Andover Cable Advisory Committee introduced the committee members present: Jerry Silverman, Barbara Worcester and Zep Marusch. Also, Director of Finance and Budget, Anthony Torrisi, the Town's advisor and Atty. William Solomon, Counsel for the Town on this issue.

Verizon provided a stenographer for this hearing and she will provide the Finance Director a transcript of these proceedings to be included with these minutes.

For this record, Jack Dempsey, Chairman of the Cable Committee, said the Cable Advisory Committee had a meeting this evening and the Committee agreed they have an excellent license with Verizon and recommended the Selectmen consider signing the license this evening as a reward to Verizon for the excellent license they have given to the Town of Andover.

Chairman Vispoli thanked Mr. Dempsey and the committee for their months of work on this license and for the excellent work the Committee has done in looking out for the citizens of Andover throughout their negotiations with Verizon.

It was moved by Selectman Major that the Board approve and sign the Verizon contract. The motion was seconded by Selectman Teichert. After a discussion, the motion was voted and approved 5-0.

VIII. New Business

A. Board to discuss MGL Chapter 32B, Section 19 "Coalition Bargaining"

Selectman Teichert excused himself from this discussion.

Chairman Vispoli said MGL, Chapter 32B, Section 19, Coalition Bargaining has been an item on their agenda in the past. As one of their goals, the

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Selectmen have said they are going to take action on this opportunity one way or another. Over the course of the last year, he said they have been discussing this idea in Executive Session. Also present for this discussion was Town Labor Counsel Michael Gilman. When asked, the Manager explained that Section 19 was a vehicle started by the legislature 25 years ago that allowed for collective bargaining to be done in a different fashion than they do now. He called on Atty. Gilman to describe it further. Atty. Gilman said that currently the way collective bargaining is structured, health insurance is a negotiable item and the Town negotiates with each of the bargaining units separately. Section 19 of Chapter 32B would allow the area of health insurance to be negotiated on a coalition basis as opposed to unit by unit but it requires local acceptance. If accepted there is a Public Employee Committee that is formed that has a representative from each of the Town's bargaining units as well as a representative from the retirees. That Public Employee Committee has a weighted vote based on the number of employees in respective bargaining units and retirees have an 10% vote. For any agreement to be effective, it will be necessary for 70% of the Public Employee Committee to be in agreement to be achieved. Atty. Gilman said the Town is currently the authority to negotiate with Public Employee Committee.

As to the advantages and disadvantages, Atty. Gilman gave his thoughts of coalition process. In terms of advantages, the process allows the Town to negotiate health insurance with all bargaining units simultaneously as opposed to going unit to unit. He felt this can be looked at as a disadvantage, as the Town will be prevented from bargaining other issues with conjunction with health insurance benefits. Section 19 will allow the Town to join with other governmental units and achieve savings by forming a larger group. However, even without Section 19, he said there is no real restriction against joining together with other units and forming a larger group for health insurance purposes. Atty. Gilman said they need to consider whether forming a larger group is necessarily a cost savings event. Premiums may go up and not go down based on the number of claims.

Atty. Gilman said that one of the main disadvantages he sees has to do with health benefits for current retirees. Under the current system, the Town is not required to negotiate benefits for persons already retired. Under coalition bargaining, the retirees become a part of the process and have an 10% weighted vote on what is being discussed regarding health benefits. Atty. Gilman said that should the Town decide to accept Section 19, once accepted, the only way to come out of the coalition process is to have a vote by the Public Employee Committee and that will require a 70% weighted vote to pass. The Manager said that once you get into this process and find it is not working to their advantage, the process gets cumbersome to change. He felt from experience thus far that they had good luck with their unions negotiating changes this last round and by large the Town and School unions have gone along with the co-pay changes and some of the other adjustments that have been made. In his perspective, he did not feel the issue of it being cumbersome of doing it unit by unit was not a good argument.

VIII. New Business (Cont.)

A. Board to discuss MGL Chapter 32B, Section 19 "Coalition Bargaining" (Cont.)

Selectman Lyman asked Atty. Gilman if he has found anything other than Section 19 in dealing with other towns that would lead to a less cumbersome process but have more efficiency than bargaining one by one. Atty. Gilman said there is nothing to say the Town couldn't develop a coalition process without

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adopting Section 19. There are towns that accepted Section 19 and one or two that and have come to an alternative structure. All the communities he represents currently do not have that kind of system.

Selectman Hess asked if there was any feedback on this from the School Committee. The Manager said that Tony James, Chairman of the School Committee, was aware of this meeting but was not present. Chairman Vispoli said he would check with them.

Barbara Morache appeared before the Board on behalf of the coalition made up of union and employee representatives. She said it was an encouraging sign for this issue to return to the Selectmen's meeting. However, she said they were disappointed the union and employee representatives were not given enough notice for this meeting. She said the employee representatives from the town and school have signed an agreement to work together with the Selectmen on coalition bargaining and to discuss issues surrounding benefits and savings on health care that will result from the town accepting Section 19. She asked that the Selectmen schedule a Work Session to discuss all of the aspects of Section 19 Coalition Bargaining.

Selectman Lyman asked Ms. Morache what aspects of Section 19 weren't outlined this evening that she saw as a benefit. Ms. Morache replied that several months ago they gave a brief representation at a Selectmen's meeting on this. At that time, they asked if they could come back and give a full-blown presentation. They do not feel they were afforded to have that opportunity and after hearing Atty. Gilman's presentation, she said she was personally surprised it was so brief and didn't think it covered all of the aspects of it. One aspect was the concern about the retirees vote. Although it was raised at the last meeting, they did not have the opportunity or information to explore it further. Ms. Morache also wondered if the Selectmen were given a cost analysis of the towns that have had cost savings under Section 19. Selectman Lyman said they did see such an analysis at the last presentation. Ms. Morache said they wanted to make sure they were all on the same page.

Andrew Powell from Boston Investors Partners, on behalf of the coalition appeared before the Board and said he felt their presentation in the spring and this evening's presentation was a little brief. They wanted to give the Selectmen the opportunity to hear back from them, at a later time, so they can make sure the Board is fully educated on the merits on Section 19 and weigh the pros and cons of both sides. They would like to have the opportunity to meet with the Selectmen in a work session to give them a full blown presentation which will take an hour and then ask questions.

Selectman Hess noted that a couple of years ago they had a committee, made up of representatives from the unions and Town departments, on this issue and was wondering what the differences were.

VIII. New Business (Cont.)

A. MGL Chapter 32B, Section 19 "Coalition Bargaining" (Cont.)

Ms. Morache said she was not involved with that but cited two examples for looking into this further. The first is that all employee groups in Town are interested in this, therefore, it deserves more investigation. She said that for the first time in the history of the Town/School, employees are paying different co pays. That is due to the collective bargaining process. Once you had a town that at least across the board all the health benefits were the same.

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The other thing that happened in conjunction with this is that rather than waiting until all the town and school employees were paying higher, co-pays the retirees were given that higher co pay. She felt they would of been the last group the Town would have instituted higher co-pay on retirees who are on fixed income and have many visits to the doctors. She said coalition bargaining is a way to give retirees a say.

The Manager said he was at almost all the meetings with insurance carriers when they had an opportunity to talk about the whole insurance scene. There was quite a benefit to increasing the co-pays and it laid the groundwork for changes in co-pays they have been successful in getting. It was beneficial and something they ought to continue mainly because the health insurance scene is changing every day. Selectman Lyman said Ms. Morache's concerns were well taken. As they move forward she felt they should include a representative from the retirees group and any group they form and do feel they need more movement on the health insurance issue. The Manager said the committee has been stagnant because of being involved with collective bargaining. Hopefully, he felt they will wrap the last few agreements and get back to looking at the whole picture.

Retired Fire Chief Bill Downs asked why his co-pay went up 200% and others didn't go up at all. Candace Hall, Director of Human Resources, answered that the co-pay went from \$5 to \$15 which is a competitive normal market rate for co-pays. She said there are only three units that don't have higher co-pays, the Police superior officers, patrolmen and firefighters.

Chief Pattullo asked if you have to be a recognized bargaining unit to participate on Section 19. Atty. Gilman said Section 19 doesn't address that. He surmised that if groups negotiated in the past they would have representation in the Section 19 coalition process. Ron Hancock from the Department of Public Works said he had been to a lot of meetings in the 70's and 80's and wasn't concerned until what he has heard recently about the retirees. He was up in that age group now and wouldn't want to be retired and have somebody make decisions for him on his retirement. That is why his union is in favor of coalition bargaining.

Chief Downs asked if this has anything to do with Section 18. Ken Lombardy, ABS, said the Town never accepted Section 18. It is a provision of Chapter 32b which requires local acceptance which states that any retiree that is eligible for Medicare would be required to leave their current health care plan and enroll in Medicare. Some of these retirees may have missed their initial enrollment when they retired and turned 65 and the Town is obligated to fund the penalty. That may diminish the value of having the benefit of the claims paid at the Medicare rate and the current level of HMO Blue.

VIII. New Business (Cont.)

A. MGL Chapter 32B, Section 19 "Coalition Bargaining" (Cont.)

Mr. Downs said that a couple years ago, someone in Town proposed an article at town meeting to accept Section 18 but it didn't go through. He said when he became 65, he was informed he had to go on Medicare. He later found out that the town had never accepted that yet he was told to go on it and for over 10 years, it cost he and his wife an extra \$5,000. He asked if this is the intention of Section 19. Chairman Vispoli said it was not and Atty. Gilman confirmed that. Mr. Downs said he felt coalition bargaining was the way to go to

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protect the retirees because to go on Medicare the cost is much higher than the Town's plan because you need to buy a supplement plan as well as Medicare. Atty. Gilman said Sections 18 and 19 are separate sections and need separate acceptance procedures.

Chairman Vispoli thanked everyone for coming for this discussion and said it will be discussed further at their next meeting.

B. Regulatory Agreement and Declaration of Restrictive Covenants under the Local Initiative Program

Susan Stott appeared before the Board representing Andover Community Trust (ACT) to request the Board sign the Regulatory Agreement and Declaration of Restrictive Covenants under the Local Initiative Program for the ownership project at 13 Heather Drive. Ms. Stott said it was a three-year process to get a 40b comprehensive permits to build the home on Heather Drive. Part of the process was to make sure there was a ground deed restriction so that the home will always be affordable. They hope to close on this home this next week and have a buyer for the house and need a sign off on this.

It was moved by Selectman Hess that the Board of Selectmen sign the Regulatory Agreement and Declaration of Restrictive Covenants by and between the Town of Andover, the Commonwealth of Massachusetts, acting by and through its Department of Housing and Community Development (DHCD), and Andover Community Trust, Inc., under the Local Initiative Program for the Ownership Project at 13 Heather Drive, Andover, Massachusetts.

The motion was seconded by Selectman Major, voted and approved 5-0.

In closing Ms. Stott recognized John Pearson, President of ACT. She said they will be back in two weeks with the same document for 174 River Road. Selectman Lyman told Mr. Pearson that the architecture of that home is just beautiful and she admired his work.

C. Discussion on Roadway Changes on Chestnut Street

Chairman Vispoli said he has received many inquiries about the roadway changes on Chestnut Street. Some of the issues he has heard include the following: The feeling that the granite chicane comes out too far so that there is a question of a safety issue of two cars coming in and the amount of room to navigate. Second, the concern what will happen in the wintertime and whether a snowplow will be able to plow that. He said he received one letter yesterday and the writer talked about the lanes not being wide enough and the practicality issue. Chairman Vispoli said the roadway has been stripped and it looks neater but he has received enough complaints to open up discussion on this.

VIII. New Business (Cont.)

C. Discussion on Roadway Changes on Chestnut Street (Cont.)

Selectman Lyman said it is the width that is the issue. She felt it may be hard for a school bus or plow coming down the street during snowy conditions but didn't know what their choices were at this point. She was hoping to have this discussion before the granite came in when she first heard about the concerns but the curbs were put in last week. Chairman Vispoli said it does slow the drivers down but wondered if the extended curbing can be moved and the street made wider.

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Selectman Teichert said the purpose of the changes are what it should be. The changes slow traffic down and make you stop and look where you are going. However, he felt they were too extreme. Selectman Major said that people are concerned about the conditions in the winter and about the esthetics. It has negatively changed the look and feel of that whole neighborhood now.

Town Clerk Hanson said she lives in that neighborhood and doesn't feel it has negative effects. She said she had her own concerns, but the project was done in the first place to slow drivers down. She said the street is wide enough to pass by but you have to slow down. Selectman Lyman said she didn't disagree but it is the severity of it. Chairman Vispoli agreed it was extreme but striped out now it is the proper dimensions. He said he would like to see it adjusted if it can be made wider and make sure it doesn't happen again on future projects.

The Manager pointed out that there were several public hearings on this and meetings with the neighborhood. He said the neighbors even wanted it narrower and they had to convince the residents the roadway they wanted would not accommodate fire apparatus. That is why they agreed on the white strip line; that was their way of saying they needed 12 feet but would stripe it to 11 feet. The Manager said drainage was involved in the project and some enhancements made. Also, he felt the residents will find the snow plowing will be as good as everywhere else in town. Selectman Lyman said she understands it is an impeccable process, but if someone gets hurt, especially with a school bus, she can't say it was the best type of work Andover can do.

Police Chief Pattullo said they didn't design it; it was designed by the Department of Public Works so the snowplows shouldn't be an issue. The lanes were made wider because of the fire trucks; the stripping gives that a narrow lane. He said you couldn't drive through there at 30 or 40 mph; 15 mph is better. The school buses have navigated it okay. However, it has dumped traffic onto other streets and they are in the process of asking for a lower speed limit. The Manager suggested letting them finish the work and see what it looks like. He said change orders could be expensive.

After all discussion, it was the consensus to look into what the options will be to reduce the size of the bump out or moving the curb. The Manager said he would look at their options and the costs associated with it.

IX. Approval of Minutes from Previous Meetings

It was moved by Selectman Hess that the Board approve the minutes of the Executive Session of November 28, 2005 but not release the minutes. The motion was seconded by Selectman Lyman, voted and approved 5-0.

IX. Approval of Minutes from Previous Meetings (Cont.)

It was moved by Selectman Hess that the Board approve the minutes of the Executive Session of December 5, 2006, the earlier meeting, but not to release the minutes. The motion was seconded by Selectman Lyman, voted and approved 5-0.

It was moved by Selectman Hess that the Board approve the minutes of the Executive Session of December 5, 2005 that began at 7:45 p.m. and to release the minutes. The motion was seconded by Selectman Lyman, voted and approved 5-0.

It was moved by Selectman Hess that the Board approve the minutes of the Executive Session of December 19, 2005 but not to release the minutes. The motion was seconded by Selectman Teichert, voted and approved 5-0.

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It was moved by Selectman Hess that the Board approve the minutes of the Executive Session of January 9, 2005 and to release the minutes. The motion was seconded by Selectman Lyman, voted and approved 5-0.

It was moved by Selectman Hess that the Board approve the minutes of the Executive Session of January 10, 2005 and to release the minutes. The motion was seconded by Selectman Lyman, voted and approved 5-0.

It was moved by Selectman Hess that the Board approve the minutes of the Executive Session of January 17, 2006 but not to release the minutes. The motion was seconded by Selectman Lyman, voted and approved 5-0.

It was moved by Selectman Hess that the Board approve the minutes of the Regular Meeting of September 11, 2006. The motion was seconded by Selectman Lyman, voted and approved 5-0.

X. Sewer Commissioners

It was moved by Selectman Hess that the Board adjourn the meeting of the Selectmen and convene as Sewer Commissioners. The motion was seconded by Selectman Teichert voted and approved 5-0 by roll call vote, Selectmen Hess, Lyman, Teichert, Major and Chairman Vispoli in favor of the motion.

It was moved by Selectman Hess that the Board approves the following requests for connection to the new sanitary sewer system:

- 6 Alderbrook Road - TM 81, TL 35
- 6 Blueberry Circle - TM 43, TL 24-B
- 14 Blueberry Circle - TM 43, TL 24-F
- 7 Blueberry Hill Road - TM 43, TL 34
- 14 Blueberry Hill Road - TM 43, TL 21
- 9 Clark Road - TM 137, TL 16-A
- 6 College Circle - TM 44, TL 36
- 11 College Circle - TM 44, TL 40
- 12 College Circle - TM 44, TL 39
- 4 Cottage Road - TM 83, TL 37
- 8 Cottage Road - TM 83, TL 40
- 6 Embassy Lane - TM 45, TL 72
- 1 Glenn Cove Road - TM 45, TL 69
- 4 Glenn Cove Road - TM 45, TL 64
- 6 Glenn Cove Road - TM 45, TL 65

X. Sewer Commissioners (Cont.)

- 7 Glenn Cove Road - TM 45, TL 66
- 249 Highland Road - TM 5, TL 32
- 237 Holt Road - TM 61, TL 8-E
- 3 Hunter Drive - TM 61, TL 42
- 5 Hunter Drive - TM 61, TL 41
- 3 Ivy Lane - TM 44, TL 21
- 8 Ivy Lane - TM 44, TL 7
- 10 Ivy Lane - TM 44, TL 8
- 14 Ivy Lane - TM 44, TL 10
- 16 Ivy Lane - TM 44, TL 11
- 26 Ivy Lane - TM 44, TL 16
- 7 Moreland Avenue - TM 60, TL 28

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8 Moreland Avenue - TM 60, TL 20
3 Random Lane - TM 61, TL 37
5 Random Lane - TM 61, TL 36
39 Rattlesnake Hill Road - TM 82, TL 2
8 Sandalwood Lane - TM 206, TL 6
16 Shaw Drive - TM 61, TL 38
2 Sugarbush Lane - TM 191, TL 18
17 Sunset Rock Road - TM 79, TL21
4 Tobey Lane - TM 61, TL 52
8 Tobey Lane - TM 61, TL 54
25 Vine Street - TM 44, TL 29
26 Vine Street - TM 43, TL 53
33 Wildwood Road - TM 61, TL 24
45 Wildwood Road - TM 61, TL 20
53 Wildwood Road - TM 61, TL 18
55 Wildwood Road - TM 45, TL 83
58 Wildwood Road - TM 44, TL 23
4 Woburn Street - TM 97, TL 2
5 Woburn Street - TM 118, TL 3

The motion was seconded by Selectman Teichert voted and approved 5-0.

It was moved by Selectman Hess that the Board approve the following requests for connection to the existing sewer system:

4 Cormiers Way - TM 87, TL 39
9 Prides Circle - TM 76, TL 45
149 River Street - TM 161, TL 1
19 Sunset Rock Road - TM 79, TL 21-A

The motion was seconded by Selectman Major, voted and approved 5-0.

It was moved by Selectman Hess that the Board adjourn the meeting of the Sewer Commissions and reconvene to Regular Meeting. The motion was seconded by Selectman Major voted and approved 5-0 by roll call vote, Selectmen Hess, Lyman, Teichert, Major and Chairman Vispoli in favor of the motion.

XI. Adjournment - 10:50 P.M.

It was moved by Selectman Major that the Board close the Regular Meeting of the Board of Selectman at 10:50 p.m. The motion was seconded by Selectman Lyman, voted and approved 5-0.

Elizabeth A. Kochakian
Recording Secretary

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